REMARKS

Applicants have thoroughly considered the Examiner's remarks in the June 27, 2008 final Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment D amends claim 64 and cancels claims 59 and 63. No new matter has been added.

Claims 1, 2, 5-7, 9-20, 22, 29, 30, 33-38, 40- 43, 45-47, 50, 51, 53, 54, 59, 64-65, and 67 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

In summary, the independent claims, as amended, are allowable because the cited art does not make obvious (1) postponing additional requests for metadata from a metadata provider until after a delay time interval has elapsed; (2) submitting a request for metadata for a song associated with an album and receiving metadata for each song associated with the album; and (3) representing increasing levels of granularity for characterizing the media content using three fields of a data structure.

Information Disclosure Statement

Applicants request that the Examiner consider the Supplemental Information Disclosure Statement filed on October 8, 2007.

Claim Objections

Claim 64 has been amended to recite "return metadata corresponding to the metadata for each of the plurality of songs in the album" as suggested by the Examiner. Thus, the objection should be withdrawn.

Specification

The specification stands objected to as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner asserts he could not find a support in the specification for the following subject matter of claim 37: "data structure storing a delay time interval." Applicants submit the subject matter of claim 37 is supported on page 11 paragraph 49 of the specification which teaches "the **return data structure may also include a delay time interval** (e.g., a backoff interval) to instruct the client to postpone additional requests for

metadata until after the delay time interval has elapsed for server load balancing reasons."
Additionally, the exemplary MDR-CD **return data structure** shown on pages 20-21, paragraph
[0072] and illustrated in FIG. 7 of the present application includes the delay time interval (e.g.,
back off interval 708). Additional support can be found on pages 24-25, paragraphs [0077]-
[0079]. Thus, Applicants request the objection to the specification be withdrawn.

Drawings

The drawings stand objected to under 37 CFR 1.83(a) for not showing every feature of
the invention specified in the claims. Specifically, the Examiner asserts that the "additional
requests for media until after the delay time interval has elapsed" feature in claims 1,
"postponing additional requests for metadata from metadata provider until after the delay time
interval has elapsed" in claim 29, "including a delay time interval, wherein the second computing
device postpones sending additional requests until after the delay time interval has elapsed" in
claim 47 and "data structure storing a delay time interval" or "postponing additional requests for
metadata from metadata provider until after the delay time interval has elapsed" in claim 37 must
be shown.

Applicants submit that FIG. 7, which illustrates an exemplary MDR data structure,
includes reference character 708, "back off interval." Furthermore, the specification on page 19,
paragraph [0071] teaches the MDR data structure further includes **a back off interval 708** or
other delay interval **specifying a time period for postponing additional requests for metadata
by the second computing device**. And, on page 11 paragraph 49 of the specification, the
application discloses "the **return data structure may also include a delay time interval** (e.g., a
back off interval) to instruct the client to postpone additional requests for metadata until after the
delay time interval has elapsed for server load balancing reasons." Thus, Applicants submit the
drawings show every feature of the invention specified in the claims and request the objection to
the drawings be withdrawn.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-2, 5-7,9-20, 22, 29-30, 33-38, 41 -43, 45-47, 50-51, 53, 54 59, 63-65 and 67
stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer et al., U.S. Pub. App.
No. 2001/0031066 (hereinafter "Meyer"), in view of Srivastava et al., U.S. Pat. No. 6,549,922

(hereinafter "Srivastava"), and further in view of Berkun et al., U.S. Pub. App. No. US 2002/0103920 (hereinafter "Berkun").

Meyer teaches media objects embedded with identifiers. An identifier associated with each media object (e.g., each audio file) is extracted and sent to a server that maps the identifier to an action such as returning metadata. Meyer discloses a number of ways to associate the identifier with an audio object (Meyer, paragraph [0013]) and describes the encoding and decoding of the identifier (Meyer, paragraph [0014]).

Srivastava teaches the automatic extraction and transformation of metadata into logical annotations (Srivastava, Abstract). Srivastava discloses storing the media and associated XML document containing the annotations in database (Srivastava, column7, lines 63-67; column 8, lines 27-36).

Berkun teaches a method for calculating a relevancy score by a full-text relevancy ranker. (FIG. 11) The relevancy score is based **categorized** metadata. (Berkun, page 8, paragraph 75). The relevancy score is used by the relevancy ranker to rank documents returned in search results. (Berkun, page 8, paragraph 76).

(1) Postponing additional requests for metadata from a metadata provider until after a delay time interval has elapsed

Claims 1,29,37,47

On page 2 of the final Office action the Examiner asserts paragraphs [0038] teaches the delay time interval recited in the claims. However, Berkun teaches a system where a spider is used to locate media URLs that are passed to an extraction queue. Each item in the queue is assigned a processing time and a priority. In the exemplary embodiment, **each queue entry is given a processing time of <u>now</u> and the same default priority**. Furthermore in paragraph [0041], Berkun teaches that if a media file and metadata links are invalid or inaccessible, the object is re-queued and assigned a later time and priority.

This is completely different than the claimed delay interval time. First, Berkun teaches **re-queuing** occurs when a media file and metadata links are invalid or inaccessible. In contrast the claim recites "receiving a <u>return data structure</u> from the metadata provider ... storing ... **a delay time interval**".

Second, Berkun teaches the same object is re-queued. And, even if Berkun teaches requests to access invalid or inaccessible media file and metadata links are delayed by being re-queued, other requests queued with a processing time of "now" will continued to be requested. In contrast the claim recites "**postponing additional requests for metadata until after the delay time interval has elapsed**."

Third, the delay time interval is not equivalent to the processor processing request one at a time as asserted by the Examiner on pages 2-3 and 8 of the final Office action. **The claim recites postponing additional requests for metadata until after the delay time interval has elapsed.** As shown in exemplary MDR-CD **return data structure** in paragraph [0072] of the present application and reproduced in-part below, the delay time interval (e.g., backoff) is specified by the return data structure.

    <Backoff>
        <Time>5</Time>
    </Backoff>

And, as explained above, additional requests are **postponed until after the delay time interval has elapsed**. Advantageously, **the delay time interval** of the present invention may be used to instruct the client to postpone **additional requests for metadata** until after the delay time interval has elapsed **for server load balancing reasons**.

The cited references, separately or in combination with the other cited references, do not teach or suggest **receiving a return data structure ... storing ... a delay time interval** and **postponing additional requests for metadata until after the delay time interval has elapsed** as recited in claim 1. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. (*KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07). However, in this rejection, neither the **element** of a **return data structure ... storing ... a delay time interval** nor the **result** of postponing **additional requests for metadata until after the delay time interval has elapsed** is not found in the combined art. Thus, Applicants submit that claims 1 is allowable and the rejection should be withdrawn. Furthermore, claims 29, 37 and 47 have been similarly amended as claim 1 and are allowable for at lease the same reasons as claim 1. Claims 2, 5-20, 22, 30, 33-36, 38, 39, 40,

41, and 49 depend from claims 1, 29, 37 and 47, respectively, and are allowable for at least the same reasons as claims 1, 29, 37 and 47.

(2) Submitting a request for metadata for a song

Claims 43, 64

On page 3 of the final Office action the Examiner asserts that paragraphs [0030]-[0032] of Berkun teaches returning metadata for each of the plurality of songs associated with an album when metadata for a single song from the album is requested. Applicants disagree. In paragraph [0030], Berkun teaches that **media files and related metadata are searched for and retrieved by reading, extracting, enhancing, and grouping metadata** describing the contents for files. Paragraph [0031] teaches that upon finding a media file, metadata associated with that file is extracted. And, in paragraph [0032]. Berkun teaches the extracted metadata is enhanced. In particular, paragraph [0032] discloses that **if metadata associated with <u>a song</u> comprises the fields of Composer, Title, Musician, Album Name, and Music Genre, but is missing the date the song was copyrighted, the copyright date is added to the extracted metadata**.

Additionally, on page 11 of the final Office action, the Examiner asserts that column 8, lines 37-49 of Srivastava teaches returning metadata for each of the plurality of songs associated with an album when metadata for a single song from the album is requested. However, column 6, lines 22-26 explains that the table shown in column 5, line 27 - column 8, line 27 lists a possible predefined set of media notations (e.g. metadata). Furthermore, Srivastava teaches **that not all media fields will provide values for every attribute in the predefined set**. (Column 7, lines 27-30). Srivastava discloses that the metadata from XML documents may mapped into the corresponding schema used by the database for storing, indexing, searching, and managing the media and its metadata. (Column 8, lines 37-52).

This is completely different than "**a request type identifier defining a type for a destination computer storage medium storing the media content, said <u>media content being one song from a plurality of songs associated with an album</u> ... wherein, in response to the receipt of the data structure, the second computing device <u>returns metadata for each of the plurality of songs associated with the album</u>**" as recited in claim 43. In other words, when a client requests metadata for a track (e.g., song), the metadata source returns metadata for a complete album (see, paragraph [0074] of the present application). For example, the media

player may stores the album information in a local cache. And, on subsequent requests for metadata for another track (e.g., song) of the album, the client may retrieve the metadata from the local cache instead of the metadata provider. Advantageously, if CDs have an average of fifteen tracks, this method improves performance by greater than fifteen times for users who have full CDs.

Thus, Berkun and Srivastava, alone or in combination with the other cited references, do not teach or suggest a request including **metadata elements stored with the media content being <u>one</u> song from a plurality of songs associated with an album** and **returning metadata for the <u>each</u> of the plurality of songs associated with the album** as recited in claim 43. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. (*KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07). However, in this rejection, neither the **<u>element</u> of metadata elements stored with the media content being <u>one</u> song from a plurality of songs associated with an album** nor the **<u>result</u> of returning metadata for the <u>each</u> of the plurality of songs associated with the album** is not found in the combined art. Thus, Applicants submit that claims 43 is allowable and the rejection should be withdrawn. Claims 45, 46, 65 and 67 depend from claims 43 and 64, respectively, and are allowable for at least the same reasons as claims 43 and 64.

(3) Representing increasing levels of granularity for characterizing the media content
Claims 51

Claim 51 as amended recites:

a first field storing a content identifier value, said first field having a label of WMContentID, said content identifier value being a GUID value **representing a performance of a particular work as it relates to a collection**, said performance being embodied in the media content;

a second field storing a collection identifier value, said second field having a label of WMCollectionID, said collection identifier value being a GUID value representing **a single physical medium of the collection wherein the physical medium represented by the WMCollectionID includes the performance represented by the WMContentID; and**

a third field storing a group identifier value, said third field having a label of WMCollectionGroupID, said group identifier value being a GUID value **representing a plurality physical medium of the collection,** wherein the single physical medium represented by the WMCollectionID is one of the plurality of

physical medium of the collection associated with the WMCollectionGroupID and said **first, second, and third fields represent increasing levels of granularity for characterizing the media content**.

On page 17 of the Office action, the Examiner asserts Berkun in parargaphs [0004], [0043], and [0044] teaches a WMContentID, WMCollectionID, and WMCollectionGroupID as recited in claim 51. Applicants disagree. The recited namespace identifiers are not merely a design choice and are used to represent increasing levels of granularity for classifying the media content. In particular, WMContentID represents **"a performance of a particular work as it relates to a collection"**, WMCollectionID represents **"a single physical medium of the collection** wherein the **physical medium** represented by the WMCollectionID **includes the performance represented by the WMContentID**, and WMCollectionGroupID represents **"a plurality physical medium** of the collection" (e.g., box set).

For example, CollectionGroupID **enables the media player to display an accurate hierarchy in the media player in instances where a specific album belongs to a multi-album set**. (Pages 26-27, [0085]). This identifier represents various collections including, but not limited to, multiple-CD collections considered to be a single album, multiple-album collections (e.g., "box-sets") which may include a multiple-CD collection, multiple-disc DVD collections (e.g., 2-disc movie releases), and multiple DVDs sold together as a single collection where each disc may include multiple discs. (Pages 26-27, [0085]). And, upon receipt of metadata for media content, the media player assigns three values (e.g., GUIDs) to the three identifiers WMContentID 804 (e.g., per track), WMCollectionID 806 (e.g., per album), and WMCollectionGroupID 808 (e.g., spans CDs). (Page 25, [0082]).

In contrast, Srivastava is silent with respect to a **third field storing a collection identifier value**, said third field having a label of WMCollectionGroupID, said collection identifier value being a GUID value **wherein the single physical medium represented by the WMCollectionID is one of the plurality of physical medium of the collection associated with the WMCollectionGroupID**. Thus, Srivastava does not teach WMCollectionGroupID as recited in claim 51. Thus, Srivastava, alone or in combination with the other cited references, does not teach or suggest **WMCollectionGroupID** as recited in claim 51. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more

than predictable results. (*KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07). However, in this rejection, neither the **elements** of **WMCollectionGroupID** nor the **result** of **wherein the single physical medium represented by the WMCollectionID is one of the plurality of physical medium of the collection associated with the WMCollectionGroupID is** not found in the combined art. Thus, Applicants submit that claims 51 is allowable and the rejection should be withdrawn. Claims 52-54 depend from claim 51 and are allowable for at least the same reasons as claim 51.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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